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LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th December, 1959:—

BILL NO. 83 OF 1959

A Bill further to amend the Legal Practitioners Act, 1879.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Legal Practitioners (Amendment) Act, 19 .

Short title and commencement.

5 (2) It shall come into force at once.

18 of 1879.

2. After section 14 of the Legal Practitioners Act, 1879, (hereinafter referred to as the principal Act) the following section shall be inserted, namely:—

Insertion of new section 14A.

10 "14A. (1) The High Court, in any case in which a pleader or mukhtar has been acquitted under section 14 by an order of the High Court, may, in passing final orders make an order for the payment of costs by way of compensation not exceeding five hundred rupees by the party by whom an application or complaint was filed on which the proceedings were initiated to the pleader or mukhtar who has been acquitted, if the High Court holds the charge made in the application or complaint to be false, frivolous or vexatious.

Compensatory costs in respect of false or vexatious complaint.

15 (2) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any civil or criminal liability in respect of the application or complaint made by him."

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Amendment
of section
41.

3. In section 41 of the principal Act the following sub-section shall be added at the end, namely:—

“(5) (a) Provided that the High Court may in any case in which the proceedings against an advocate were initiated on an application or complaint by any party, make an order for the 5 payment of costs by way of compensation not exceeding one thousand rupees by the party by whom the application or complaint was filed to the advocate against whom it was filed, if the High Court holds the charges made in the application or complaint to be false, frivolous or vexatious. 10

(b) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any civil or criminal liability in respect of the application or complaint made by him.”

STATEMENT OF OBJECTS AND REASONS

The present Act does not vest any power in the High Court to award costs to the aggrieved party in case an application or complaint filed against the pleader, mukhtar or Advocate is found frivolous or vexatious. It is desirable that the High Court is empowered to award costs in such cases by way of compensation.

Hence this Bill.

NEW DELHI;
The 13th October, 1959.

AJIT SINGH SARHADI.

BILL No. 84 OF 1959

A Bill further to amend the Indian Bar Councils Act, 1926.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Bar Councils (Amendment) Act, 19 .

(2) It shall come into force at once.

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Amendment
of section 12.

2. For sub-section (5) of section 12 of the Indian Bar Councils Act, 1926 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

38 of 1926.

“(5) In passing final orders the High Court may pass such order as regards the payment of the costs of the inquiry and of the hearing in the High Court as well as compensatory costs as it thinks fit.”

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Amendment
of section 15.

3. For clause (e) of section 15 of the principal Act, the following clause shall be substituted, namely:—

“(e) the investment, expenditure and management of the funds of the Bar Councils; and”,

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STATEMENT OF OBJECTS AND REASONS

The present Act does not vest any power in the High Court to award costs to the aggrieved party in case an application or complaint lodged against an advocate is found frivolous or vexatious. It is, therefore, proposed to empower the High Court to award costs in such cases.

2. The funds with the Bar Councils are accumulating. There is, however, no provision to authorise expenditure for legal education, training and other matters connected with or beneficial to the legal profession. The Bill seeks to authorise the Bar Councils to frame rules, with the previous sanction of the High Court, for such expenditure.

NEW DELHI;
The 13th October, 1959.

AJIT SINGH SARHADL

BILL NO. 89 OF 1959

A Bill further to amend the Child Marriage Restraint Act, 1929

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

- Short title.** 1. This Act may be called the Child Marriage Restraint (Amendment) Act, 1959.
- Amendment of section 2.** 2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act) for the word "eighteen", the word "twenty-one" and for the word "fifteen" the word "eighteen" shall be substituted.
- Amendment of section 3.** 3. In section 3 of the principal Act—
- (a) the words "above eighteen years of age and" shall be omitted; and
 - (b) after the word "twenty-one", the words "years of age" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

If we are to survive as a virile, robust and progressive nation, and if we are to raise the standard of living of the masses, we must protect the health of the youth and check the growth of population and both these objectives can be achieved by raising the age for marriage. Fertility is highest between the ages of 15 and 25 and therefore raising the age of marriage will go a long way to solve our economic, health, medical, mental, moral and other problems. Our goal of Welfare State can best be achieved by developing a race of limited number of robust men and women.

Hence this Bill.

DIWAN CHAND SHARMA.

NEW DELHI;

The 5th November, 1959.

M. N. KAUL,

Secretary.

